IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2016 OF 2005
(for restoration)
IN
CRIMINAL WRIT PETITION 402 OF 2005

Gauri Prakash Karekar ...Applicant.

V/s

Mr. Umesh Baburao Angarkhe
and anr. ...Respondents.

Mr. Abhijeet Sarwate for the applicant.
Mr. A.S. Shitole, APP for the State.

CORAM: V.M.KANADE,J.
DATE : 19th April, 2005.

P.C.

1. Heard the learned counsel for the applicant.

2. Criminal Application No. 2016 of 2005 is for restoration of Criminal Writ Petition No.402 of 2005 which was decided on March 4, 2005. It is submitted by the learned Counsel appearing for the applicant that certain facts were not brought to the notice of this Court and the order which was passed on 4/3/2005 may be set aside and the Writ Petition may be restored to the file. He has submitted that there is no averment in the complaint that the cheque in question was issued by the accused who was in charge of or responsible for the affairs of the Trust which is one of the essential requirements of section 141 of the

Negotiable Instruments Act.

3. I have perused the copy of the complaint and, prima facie, it appears that this fact was not brought to the notice of the court earlier when the matter was decided in the absence of the learned Counsel for the petitioner. In this view of the matter, the order dated 4/3/2005 is recalled. Criminal Application for restoration is allowed.

V.M. KANADE, J.